

RECEIVED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
COLUMBUS, OHIO  
OCT 14 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:05CR168
	)	
Plaintiff,	)	JUDGE ANN ALDRICH
	)	
v.	)	
	)	<u>ORDER</u>
EDIBERTO MONTEIL HERNANDEZ,	)	
	)	
Defendant.	)	

WHEREAS, the United States has filed Notice of Intent to Request Judicial Removal and Factual Allegations in Support of Removal of Ediberto Monteil Hernandez, stating as follows:

1. The defendant, Ediberto Monteil Hernandez, is not a citizen or national of the United States.
2. Defendant is a native of Mexico, and a citizen of Mexico.
3. Defendant entered the United States in January 2005.
4. On Feb 15, 2005, 2005, defendant pled guilty to conspiracy to possess with the intent to distribute 50 kilograms or more of marijuana, in violation of Title 21, United States

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Code, Section 846, and illegal re-entry after deportation, in violation of Title 8, United States Code, Section 1326(a), in Case No. 1:05CR168, in United States District Court, Cleveland, Ohio.

AND WHEREAS, the United States has charged that at his sentencing, defendant will be subject to removal under 8 U.S.C. §1227(a)(2)(A)(iii) of the Immigration and Nationality Act, in that at any time after entry, defendant will have been convicted of an aggravated felony as described in 8 U.S.C. §1101(a)(43)(B), an offense relating to the illicit trafficking in a controlled substance, as described in 21 U.S.C. §802.

AND WHEREAS, Ediberto Monteil Hernandez executed a plea agreement admitting all factual allegations contained in the Notice of Intent to Request Judicial Removal and Factual Allegations in Support of Removal to be true and correct, and conceded to be removed from the United States and requested judicial removal to Mexico.


Accordingly, it is HEREBY ORDERED, ADJUDGED, AND DECREED:

That Ediberto Monteil Hernandez is removable from the United States under 8 U.S.C. §1227(a)(2)(A)(iii) of the Immigration and Nationality Act, in that after entry, defendant was convicted of an aggravated felony, as defined in 8 U.S.C. §1101(a)(43)(B).

IT IS FURTHER ORDERED, pursuant to 8 U.S.C. §1228(c), that the defendant be removed from the United States so that promptly

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upon his release from confinement herein, the Department of Homeland Security, Immigration and Customs Enforcement, may execute said removal order according to applicable laws and regulations.

  
ANN ALDRICH  
UNITED STATES DISTRICT JUDGE

Oct 14, '05  
DATE